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Attorney Docket No. 57217 (72012)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: K. Kagechi, et al.
U.S.S.N.: 10/070,957 EXAMINER: Diep, Nhon Thanh
FILED: June 10, 2002 GROUP ART UNIT: 2613
FOR: IMAGE ENCODING DEVICE

CERTIFICATE OF EXPRESS MAIL

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By: Kathryn A. Grindrod
Kathryn A. Grindrod

**Mail Stop: ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**REQUEST FOR RECONSIDERATION OF INFORMATION DISCLOSURE
STATEMENT FILED SEPTEMBER 9, 2005 PURSUANT TO 37 CFR 1.312**

Sir:

Pursuant to the provisions of 37 CFR 1.312, Applicants respectfully requests reconsideration of the Examiner's decision of October 5, 2005 that Applicants' Information Disclosure Statement of September 9, 2005 fails to comply with 37 CFR 1.97(d) because it lacks the fee specified in 37 CFR 1.17(p).

The Notice of Allowance in the above-identified application was mailed on September 8, 2005 while Applicants' Information Disclosure Statement was mailed on September 9, 2005. It is believed that the Notice of Allowance and Applicants' Information Disclosure Statement of September 9, 2005 crossed in the mail.

Accordingly, Applicants' Information Disclosure Statement of September 9, 2005 indicated that no fee was due because it was filed within three months of a communication from a foreign Patent Office in a counterpart foreign application (see page 4 of Applicants' Information Disclosure Statement of September 9, 2005 whereat the appropriate certification under 37 CFR 1.97(e) is made).

However, against the chance of unforeseen circumstances or inadvertent error, Applicants' Information Disclosure Statement of September 9, 2005 included the following wording at page 6 thereof:

 X Applicant believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this submission. **However, if for any reason a further fee is required, a fee paid is inadequate or a credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.**

If the Examiner has any questions concerning this Information Disclosure Statement, he/she is requested to contact the undersigned. **Further, if it is determined that this Information Disclosure Statement has been filed under the wrong rule, the United States Patent and Trademark Office is requested to consider this Information Disclosure Statement under the proper rule, with a petition if necessary, and to charge the appropriate fee to Deposit Account No. 04-1105.** (Emphasis added)

Accordingly, Applicants respectfully submit that their Information Disclosure Statement of September 9, 2005 was in full compliance with 37 CFR 1.97(d) and 37 CFR 1.17(p) in that it specifically contained the certification required by 37 CFR 97(e) and further requested and authorized the United States Patent and Trademark Office to charge any required fees inadvertently not specifically paid with that Information Disclosure Statement to the Deposit Account of the undersigned representative of the Applicants.

Consequently, Applicants respectfully request that the United States Patent and Trademark Office charge the required fee under 37 CFR 1.17(p) to the deposit account of their undersigned representative pursuant to the authorization and request quoted above from their Information Disclosure Statement of September 9, 2005, and that their Information Disclosure Statement of September 9, 2005 be granted full substantive consideration in this case (as opposed to simply being placed in the file).

Applicants believe that additional fees beyond those submitted and/or specifically authorized herewith are not required in connection with the consideration of this communication. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: October 24, 2005


SIGNATURE OF PRACTITIONER

Reg. No. 27,840

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